



Alan M. Fisch
Managing Partner
202.362.3600 • Direct
Alan.Fisch@FischLLP.com

Fisch Hoffman Sigler LLP
Attorneys at Law
5335 Wisconsin Avenue NW
Eighth Floor
Washington DC 20015
202.362.3500 • Main

July 31, 2013

VIA ECF

Honorable Pamela K. Chen
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Pall Corporation v. 3M Purification, Inc.*, Nos. 9:97-cv-
07599-PKC-ARL and 2:03-cv-00092-PKC-ARL

Dear Judge Chen:

On behalf of Pall Corporation ("Pall") in the above captioned actions, I write to briefly supplement the record in support of Pall's request for leave to issue a rebuttal report to 3M Purification, Inc.'s ("3M") new technical expert report, which Pall raised in its July 29, 2013 letter brief. Since the filing of Pall's letter brief, 3M has served the Supplemental Report of Kenneth A. Conti. Mr. Conti's Supplemental Report provides additional bases for granting Pall's request to provide a rebuttal report.

Mr. Conti's Supplemental Report addresses the issues of infringement, invalidity and willfulness. At the very least, Pall should be afforded the opportunity to have its experts serve rebuttal opinions to Mr. Conti's new opinions on invalidity, a counterclaim for which 3M bears the burden of proof. Indeed, Pall had the opportunity to rebut the opinions of 3M's previous reports relating to invalidity, and should be given the same opportunity to rebut 3M's new opinions.

In addition, although the Court granted 3M's request to replace Mr. Shoemaker's report, Mr. Conti's Supplemental Report offers invalidity opinions that Mr. Shoemaker never offered, and therefore that Pall never had the opportunity to rebut. For example, Mr. Conti offers opinions on Soviet Union Patent No. 1,761,201, a prior art reference that Mr. Shoemaker never considered.

In sum, the substance of Mr. Conti's Supplemental Report provides additional grounds for Pall's request, detailed in its July 29, 2013 letter brief. While Pall requests the opportunity to rebut Mr. Conti's opinions in their entirety, Pall should, at the very least, be afforded the opportunity to respond to any new grounds for invalidity put forth in Mr. Conti's Supplemental Report.

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Hoffman
Sigler LLP

- 2 -

Pall remains available for a hearing on this issue at the Court's convenience.

Respectfully submitted,

A handwritten signature in dark ink, reading "Alan M. Fisch". The signature is written in a cursive, flowing style with a large initial "A".

Alan M. Fisch

cc: All counsel of record (ECF)